



1632/44

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|---|------------------------|----------------|
| | | Application Number | 09/877,374 |
| | | Filing Date | June 8, 2001 |
| | | First Named Inventor | Jeffrey C Rapp |
| | | Art Unit | 1632 |
| | | Examiner Name | Ton, Thai-An N |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | AVI-007 |

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1) return postcard |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | 2) IDS transmittal under 37CFR1.97(c)(2) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | 3) 17 references cited |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Total number of pages does not include the cited references | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|-----------------|
| Firm or Individual name | AviGenics, Inc. |
| Signature | |
| Date | April 26, 2004 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | |
|-----------------------|--------------|------|
| Typed or printed name | Kyle Yesland | |
| Signature | | Date |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180)

Complete if Known

| | |
|----------------------|----------------|
| Application Number | 09/877,374 |
| Filing Date | June 8, 2001 |
| First Named Inventor | Jeffrey C Rapp |
| Examiner Name | Ton, Thai-An N |
| Art Unit | 1632 |
| Attorney Docket No. | AVI-007 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

| | |
|------------------------|--------|
| Deposit Account Number | 501729 |
| Deposit Account Name | |

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|-------------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| | -20** = | X | = |
| Independent Claims | - 3** = | X | = |
| Multiple Dependent | | | = |

| Large Entity | Small Entity | Fee Description |
|-------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | 180 |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180)

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|--------------|--------------------------------------|-------|----------------|--------------|
| Name (Print/Type) | Kyle Yesland | Registration No. (Attorney/Agent) | 45526 | Telephone | 706-227-1170 |
| Signature | | | Date | April 26, 2004 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PATENT

Appl. No. : 09/877,374
Applicant : Jeffrey C Rapp
Filed : June 8, 2001
Title : Production of a Monoclonal Antibody by a Transgenic Chicken

TC/A.U. : 1632
Examiner : Thaian N. Ton

Docket No. : AVI-007

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, DC 20231, on or before:

Date April 26, 2004
Signature Kyle Yesland
Name Kyle Yesland

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT FILED
UNDER THE PROVISIONS OF 37 CFR 1.97(c) (2)

Sir:

In connection with the above-identified application, Applicants submit herewith an information disclosure under 37 C.F.R. 1.97(c) (2) and copies of references cited therein.

It is respectfully requested that the cited references be expressly considered during the prosecution of the above referenced application, and the references be made of record and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all of the relevant information, and no inference should be made that the information and references cited are, or are considered to be, material to patentability because they are in this statement. No inference should be made that the

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information and references cited are prior art merely because they are in this statement.

With respect to the surcharge required to be filed with the information disclosure statement, under 37 CFR 1.17(p) applicant estimates that a fee in the amount of \$180 is due. Please charge any required fees or credit any overpayment to deposit account number 501729.

Respectfully submitted,



Kyle Yesland, Telephone: 706-227-1170
Attorney for Applicant
Reg. No. 45,526
Avigenics, Inc.
111 Riverbend Road
Athens, Georgia 30606

ADDRESS MAIL NO.:

Express Mail No.:

Express Mail No.:

ATTY DOCKET NO.

ART-
007

APPLICATION NO

09/877,374

APPLICANT

Rapp, J.

FILING DATE

June 8, 2001

GROUP

1632

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

MAY 10 2004

PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|-----|-----------------|------|------|-------|----------|----------------------------|
| | A01 | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | YES | NO |
|--|-----|-----------------|------|---------|-------|----------|-------------|-----|----|
| | B01 | | | | | | | YES | NO |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|-----|---|
| | C01 | Bachiller <i>et al.</i> Liposome-mediated DNA uptake by sperm cells. Mol. Reprod. and Dev. 1991, 30:194-200, Wiley-Liss, Inc. |
| | C02 | Gagne <i>et al.</i> Electroporation of bovine spermatozoa to carry foreign DNA in oocytes. Mol Reprod and Dev. 1991, 29(1):6-15 |
| | C03 | Gordon <i>et al.</i> Production of human tissue plasminogen activator in transgenic mouse milk. Bio/Technology 1987, 5:1183-1187 |
| | C04 | Harvey and Ivarie, Validating the hen as a bioreactor for the production of exogenous proteins in egg white. Poult Sci. 2003, 82(6):927-930 |
| | C05 | Ivarie R. Avian transgenesis: progress towards the promise. Trends Biotechnol. 2003, 21(1):14-19. |
| | C06 | Jaenisch R. Germ line integration and Mendelian transmission of the exogenous Moloney leukemia virus. Proc Natl Acad Sci U S A. 1976, 73(4):1260-1264. |
| | C07 | Jaenisch R. Retroviruses and embryogenesis: microinjection of Moloney leukemia virus into midgestation mouse embryos. Cell. 1980, 19(1):181-188 |
| | C08 | Jeong <i>et al.</i> Migration activity of chicken gonadal primordial germ cells (gPGCs) and post-transfer localization of LacZ-transfected gPGCs in the embryonic gonads. Asian-Australasian J. Anim. Sci. 2002, 15(9):1227-1231 |
| | C09 | Kohler and Milstein, Continuous cultures of fused cells secreting antibody of predefined specificity. Nature. 1975, 256(5517):495-497 |
| | C10 | Lampard <i>et al.</i> Secretion of foreign proteins mediated by chicken lysozyme gene regulatory sequences. Biochem Cell Biol. 2002;80(6):777-788 |
| | C11 | Naito <i>et al.</i> Introduction of exogenous DNA into somatic and germ cells of chickens by microinjection into the germinal disc of fertilized ova. <i>Molecular Reproduction and Development</i> . 1994, 37:167-171 Wiley-Liss, Inc. |
| | C12 | Nakanishi and Iritani, Gene transfer in the chicken by sperm-mediated methods. Mol. Reprod. and Dev. 1993, 36:258-261 Wiley-Liss, Inc. |
| | C13 | Park <i>et al.</i> Birth of germline chimeras by transfer of chicken embryonic germ (EG) cells into recipient embryos. Mol Reprod Dev. 2003, 65(4):389-395 |
| | C14 | Sang and Perry, Episomal replication of cloned DNA injected into the fertilised ovum of the hen, Gallus domesticus. Mol Reprod Dev. 1989, 1(2):98-106 |
| | C15 | Schiest RH, Petes TD. Integration of DNA fragments by illegitimate recombination in <i>Saccharomyces cerevisiae</i> . Proc Natl Acad Sci U S A. 1991, 88(17):7585-9 |
| | C16 | Tanaka <i>et al.</i> Chick production by in vitro fertilization of the fowl ovum. J Reprod Fertil. 1994, 100(2):447-449 |
| | C17 | Wilmut <i>et al.</i> Methods of gene transfer and their potential use to modify milk composition. Theriogenology 1990, 33(1):113 |

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered; whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.